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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.               | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------------|------------------|
| 10/507,035  | 04/22/2005  | Hans Edrich          | 10537/283                         | 8780             |
| 26646   | 7590        | 10/12/2006           |                                   |                  |
| KENYON & KENYON LLP<br>ONE BROADWAY<br>NEW YORK, NY 10004 |             |                      | EXAMINER<br>WHITE, RODNEY BARNETT |                  |
|   |             |                      | ART UNIT                          | PAPER NUMBER     |
|   |             |                      | 3636                              |                  |

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/507,035             | EDRICH ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Rodney B. White        | 3636                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it not only contains the word "invention" which is improper language for the Abstract, but the Abstract also consists of 2 paragraphs, when the Abstract should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 11 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara (Japanese Patent No. JP 05193409 A).

Ogasawara teaches vehicle seat, comprising: adjustable lower leg support means; drive means for automatically adjusting the lower leg support means between a stowaway position and a position of use; and control means for controlling the drive, the control means including sensing means arranged on the lower leg support and for detecting an obstacle.

Claims 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Renault (U.S. Patent No. 6,526,643 B1).

Renault teaches a vehicle seat, comprising: an adjustable lower leg support; a drive configured to automatically adjust the lower leg support between a stowaway position and a position of use; and a control device configured to control the drive, the control device including a sensor arranged on the lower leg support configured to detect an obstacle, wherein the sensor is configured as at least one of (a) a proximity sensor and (b) a pressure sensor, wherein the drive is configured to adjust at least one of (a) a length and (b) an inclination of the lower leg support, wherein the drive is configured as one of (a) an electrical drive and (b) a pneumatic drive, wherein the lower leg support includes an enclosed lower leg support surface, wherein the drive is configured to at least one of (a) increase and (b) decrease the lower leg support surface, , wherein the lower leg support includes a freely displaceable end and an end pivotably mounted on one of (a) a seat cushion and (b) a seat frame, the sensor arranged at the freely displaceable end of the lower leg support, wherein the sensor includes two detection regions, wherein the sensor includes a first detection region arranged on a rear of the lower leg support and a second detection region arranged on an end side of the lower leg support, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support pivots, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support is extended, wherein another one of (a) the first detection region and (b) the second detection region is configured to detect an

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obstacle when the lower leg support is extended, wherein the sensor includes a bar arranged to cover and connect the first detection region and the second detection region, the bar configured to distribute pressure, that occurs when an obstacle is struck, between the first sensor region and the second sensor region, wherein the control device is configured to at least one of (a) stop and (b) reverse the drive in accordance with detection of an obstacle (See Figures and specification).

Claims 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Satoh (U.S. Patent No. 6,652,033 B2).

Satoh teaches a vehicle seat, comprising: an adjustable lower leg support; a drive configured to automatically adjust the lower leg support between a stowaway position and a position of use; and a control device configured to control the drive, the control device including a sensor arranged on the lower leg support configured to detect an obstacle, wherein the sensor is configured as at least one of (a) a proximity sensor and (b) a pressure sensor, wherein the drive is configured to adjust at least one of (a) a length and (b) an inclination of the lower leg support, wherein the drive is configured as one of (a) an electrical drive and (b) a pneumatic drive, wherein the lower leg support includes an enclosed lower leg support surface, wherein the drive is configured to at least one of (a) increase and (b) decrease the lower leg support surface, , wherein the lower leg support includes a freely displaceable end and an end pivotably mounted on one of (a) a seat cushion and (b) a seat frame, the sensor arranged at the freely displaceable end of the lower leg support, wherein the sensor includes two detection

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regions, wherein the sensor includes a first detection region arranged on a rear of the lower leg support and a second detection region arranged on an end side of the lower leg support, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support pivots, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support is extended, wherein another one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support is extended, wherein the sensor includes a bar arranged to cover and connect the first detection region and the second detection region, the bar configured to distribute pressure, that occurs when an obstacle is struck, between the first sensor region and the second sensor region, wherein the control device is configured to at least one of (a) stop and (b) reverse the drive in accordance with detection of an obstacle (See Figures and specification).

Claims 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagiike (U.S. Patent No. 6,663,184 B2).

Hagiike teaches a vehicle seat, comprising: an adjustable lower leg support; a drive configured to automatically adjust the lower leg support between a stowaway position and a position of use; and a control device configured to control the drive, the control device including a sensor arranged on the lower leg support configured to detect an obstacle, wherein the sensor is configured as at least one of (a) a proximity sensor and (b) a pressure sensor, wherein the drive is configured to adjust at least one of (a)

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a length and (b) an inclination of the lower leg support, wherein the drive is configured as one of (a) an electrical drive and (b) a pneumatic drive, wherein the lower leg support includes an enclosed lower leg support surface, wherein the drive is configured to at least one of (a) increase and (b) decrease the lower leg support surface, , wherein the lower leg support includes a freely displaceable end and an end pivotably mounted on one of (a) a seat cushion and (b) a seat frame, the sensor arranged at the freely displaceable end of the lower leg support, wherein the sensor includes two detection regions, wherein the sensor includes a first detection region arranged on a rear of the lower leg support and a second detection region arranged on an end side of the lower leg support, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support pivots, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support is extended, wherein another one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support is extended, wherein the sensor includes a bar arranged to cover and connect the first detection region and the second detection region, the bar configured to distribute pressure, that occurs when an obstacle is struck, between the first sensor region and the second sensor region, wherein the control device is configured to at least one of (a) stop and (b) reverse the drive in accordance with detection of an obstacle (See Figures and specification).



Claims 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Enno (U.S. Patent No. 6,929,323 B2).

Enno teaches a vehicle seat, comprising: an adjustable lower leg support; a drive configured to automatically adjust the lower leg support between a stowaway position and a position of use; and a control device configured to control the drive, the control device including a sensor arranged on the lower leg support configured to detect an obstacle, wherein the sensor is configured as at least one of (a) a proximity sensor and (b) a pressure sensor, wherein the drive is configured to adjust at least one of (a) a length and (b) an inclination of the lower leg support, wherein the drive is configured as one of (a) an electrical drive and (b) a pneumatic drive, wherein the lower leg support includes an enclosed lower leg support surface, wherein the drive is configured to at least one of (a) increase and (b) decrease the lower leg support surface, wherein the lower leg support includes a freely displaceable end and an end pivotably mounted on one of (a) a seat cushion and (b) a seat frame, the sensor arranged at the freely displaceable end of the lower leg support, wherein the sensor includes two detection regions, wherein the sensor includes a first detection region arranged on a rear of the lower leg support and a second detection region arranged on an end side of the lower leg support, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support pivots, wherein one of (a) the first detection region and (b) the second detection region is configured to detect an obstacle when the lower leg support is extended, wherein another one of (a) the first detection region and (b) the second detection region is configured to detect an

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obstacle when the lower leg support is extended, wherein the sensor includes a bar arranged to cover and connect the first detection region and the second detection region, the bar configured to distribute pressure, that occurs when an obstacle is struck, between the first sensor region and the second sensor region, wherein the control device is configured to at least one of (a) stop and (b) reverse the drive in accordance with detection of an obstacle (See Figures and specification).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilbert et al, Yindra, and Kemmerer et al teach sensors configured to detect obstacles.

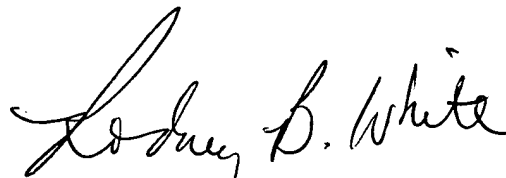
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
October 6, 2006



Handwritten signature of Rodney B. White in cursive script.

**RODNEY B. WHITE**  
**PRIMARY EXAMINER**